

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 20-cv-954**

FARHAD AZIMA,

Plaintiffs,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**DECLARATION OF IAN A.
HERBERT IN SUPPORT OF
PLAINTIFF'S MOTION FOR
LEAVE TO SERVE THIRD-PARTY
SUBPOENAS**

I, **Ian A. Herbert**, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury the following:

1. I am counsel at the law firm of Miller & Chevalier Chartered, 900 16th Street NW, Washington DC, 20002. I am a member in good standing of the bar of the District of Columbia Bar and I have made a special appearance in this Court on behalf of Plaintiff Farhad Azima. ECF No. 19.

2. I attach hereto as Exhibit 1 a true and correct copy of a letter from Bank of America to Kirby Behre of Miller & Chevalier Chartered dated November 6, 2020. Miller & Chevalier Chartered received a copy of this letter on November 17, 2020.

3. I attach hereto as Exhibit 2 a true and correct copy of the Memorandum Opinion issued by United States District Court Judge Ketanji Brown Jackson in *Farhad Azima v. Ras Al Khaimah Investment Authority*, No. 16-cv-01948, ECF No. 41, (D.D.C. March 30, 2018).

4. I attach hereto as Exhibit 3 a true and correct copy of the witness statement of Nicholas Del Rosso in *Ras Al Khaimah Investment Authority v Farhad Azima*, [2020] EWHC 1327 (Ch), dated June 21, 2019.

5. On October 26, 2020, I participated in a teleconference with Brandon Neuman, Kieran Shanahan, and Jeffrey Kelly of Shanahan Law Group, counsel for the Defendants. Ripley Rand of Womble Bond Dickinson (US) LLP and Kirby Behre of Miller & Chevalier Chartered also participated on behalf of the Plaintiff.

6. Counsel for Plaintiff informed Defendants that days after filing this lawsuit both of the law firms representing the Plaintiff, Womble Bond Dickinson (US) LLP and Miller & Chevalier Chartered, had been attacked by an intense phishing campaign in which both law firms received numerous phishing attempts.

7. During the teleconference, the parties discussed the possibility of resolving the case. Counsel for Defendants inquired about whether a resolution would include money, cooperation, or both, and the parties discussed Defendants cooperating against others who Plaintiff believes were involved in his hacking.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 18, 2020 in Washington, DC.



Ian A. Herbert

**IN THE UNITED STATES DISTRICT COURT
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v.

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing DECLARATION OF IAN A. HERBERT IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO SERVE THIRD-PARTY SUBPOENAS with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

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This, the 18th day of November, 2020.

WOMBLE BOND DICKINSON (US) LLP

/s/ Ripley Rand

Ripley Rand

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